

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CASE NO.: 21-30941-hcm
	§	
JUAN CARLOS VILLARREAL	§	
	§	
DEBTOR	§	CHAPTER 13

**THE ATTORNEY GENERAL OF TEXAS-CHILD SUPPORT DIVISION'S OBJECTION
TO CONFIRMATION OF DEBTOR'S PLAN**

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

Comes now the Attorney General of Texas-Child Support Division (hereinafter CSD) and files this Objection to Confirmation of Juan Carlos Villarreal (hereinafter Debtor) proposed, Chapter 13 Plan and in support would show the Court the following:

1. This Court has jurisdiction of this contested matter pursuant to 28 U.S.C. §§ 1334 and 157. Venue is proper according to 28 U.S.C. §§ 1408 and 1409.
2. The CSD is a Title IV-D agency pursuant to Chapter 231, Texas Family Code and Title IV-D of the Social Security Act. The CSD is a duly constituted state agency existing under the Constitution and Laws of the State of Texas.
3. On December 9, 2021, Debtor filed a petition for bankruptcy relief, under Chapter 13 of the United States Bankruptcy Code and a proposed Chapter 13 Plan.

I. Failure to Pay On-going DSO under 11 U.S.C. § 1325(a)(8)

4. A state court order from El Paso County, Texas obligates the Debtor to pay \$584.00 per month for child support to Anais Villarreal (DSO recipient). Additionally, another state court order from El Paso County, Texas obligates the Debtor to pay \$200.00 per month for child support to Norma Vaquera Torres (DSO recipient).
5. As to the DSO case with Anais Villarreal, the Debtor has failed to pay the full amount that has come due toward the on-going DSO, since the Chapter 13 filing. The Debtor has a post-petition DSO deficiency of \$1,168.00 as of April 25, 2022. Attached

and marked as **EXHIBIT A** is a DSO payment record. Pursuant to 11 U.S.C. § 1325(a)(8), confirmation is precluded due to this deficiency.

6. As to the DSO case with Norma Vaquera Torres, the Debtor has failed to pay the full amount that has come due toward the on-going DSO, since the Chapter 13 filing. The Debtor has a post-petition DSO deficiency of \$350.00 as of April 25, 2022. Attached and marked as **EXHIBIT B** is a DSO payment record. Pursuant to 11 U.S.C. § 1325(a)(8), confirmation is precluded due to this deficiency.

WHEREFORE, PREMISES CONSIDERED, the CSD prays that the Debtor's Proposed Chapter 13 Plan is not confirmed until the Debtors cures each objection of the CSD listed above. The CSD further prays for such other and further relief at law and in equity as is just.

Respectfully submitted this 25th day of April 2022.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General of Texas

/s/ Stratos Apostolou
ATTORNEY GENERAL OF TEXAS
CHILD SUPPORT DIVISION
State Bar No.: 24068020
2512 South Interstate Highway 35, Suite 200
Austin, Texas 78704
(512) 358-3213-Phone
(512) 358-3224-Fax
stratos.apostolou@oag.texas.gov

CERTIFICATE OF CONFERENCE

On April 21, 2022, the undersigned notified Debtor's counsel about the need to cure the above-mentioned deficiencies and need for an objection. Presently, no payments to cure the deficiencies have been made.

/s/ Stratos Apostolou

CERTIFICATE OF SERVICE

I hereby certify that on this 25th of April 2022, I sent a true and correct copy of the foregoing, to the following parties by the following means:

Debtor's Counsel

(via CM/ECF)

Miguel Alejandro Flores
Tanzy & Borrego Law Offices
2610 Montana
El Paso, TX 79903

Chapter 13 Trustee

(via CM/ECF)

Stuart C. Cox
El Paso Chapter 13 Trustee 1760
N. Lee Trevino Dr.
El Paso, TX 79936

Debtor

(via first class mail)

Juan Carlos Villarreal
3656 Tierra Inca Drive
El Paso, TX 79938

/s/ Stratos L. Apostolou